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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,283	04/03/2006	Michael Gilge	10191/4396	7697
26646	7590	11/10/2009	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			DAZENSKI, MARC A	
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
11/10/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/541,283	Applicant(s) GILGE, MICHAEL
	Examiner MARC DAZENSKI	Art Unit 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 June 2009.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 37-72 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 37-72 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 19 June 2009 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/06/08)
 Paper No(s)/Mail Date 6-2-09.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

Drawings

The drawings were received on 19 June 2009. These drawings are acceptable.

Response to Arguments

Applicant's arguments filed 19 June 2009 have been fully considered but they are not persuasive.

On page 10 of the remarks, Applicant argues, "...Shimizu does not describe or even suggest a virtual data memory for the capturing device," and that further "Shimizu does not contemplate later accessing of the storage server images by the digital video camera." Still further, Applicant argues, "because the storage server only provides for retrieval of the stored images by other devices and not the digital video camera, the storage server cannot possibly provide a virtual data memory for the capturing device." The examiner respectfully disagrees. First, the examiner notes that nowhere in the disputed section of the claim does it say that retrieval is made by the video camera (which reads on the claimed, "capturing device), and therefore the examiner maintains that the previously cited section of Shimizu does, in fact, read on the claim. Second, because Shimizu's digital video camera terminal (1) is connected to moving image storage server (3) via network (2) in order to transmit recorded images, the examiner maintains that the originally cited sections of Shimizu read on the claimed "operational association" and therefore fulfill the claim's requirements of a "virtual memory" (wherein

the "operation" is the actual transmitting of images, and the "association" is their connection via network (2)).

On pages 10-11 of the remarks, Applicant argues that there is no suggestion in Shimizu regarding the newly added features of the amended claim 37. These arguments are rendered moot in view of the new grounds of rejection found below.

On page 11 of the remarks, Applicant appears to be arguing that the examiner failed to present a *prima facie* case of obviousness and that the claims are allowable due to their dependence on independent claims 37 or 64. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one of ordinary skill in the art would have been motivated to combine the teachings of Shimizu and Kirsten because having a recording fill target interval would allow an operator to change the recording medium on a regular schedule/predictable time periods (see column 16, lines 5-15 of Kirsten). This allows an operator or user to make better use of a central recording medium by avoiding inconsistent coverage caused by loss of data.

On page 12 of the remarks, Applicant argues the rejection of claim 50 should be withdrawn because it depends on amended independent claim 37. The examiner

maintains these arguments are rendered moot in view of the new grounds of rejection to claim 37, found below.

A full rejection of the pending claims appears below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37-48, 64-66, and 68-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US Patent 7,386,872), hereinafter referred to as Shimizu, in view of Nagaya et al (US Patent 6,741,977), hereinafter referred to as Nagaya.

Regarding **claim 37**, Shimizu discloses a network storage type video camera system. Further, Shimizu discloses a network storage type video camera system for storing moving image data into a server connected to a network, which reads on the claimed, "method for recording at least one of video data and audio data generated by a capturing device having a data memory," as disclosed at column 2, lines 21-27; the method comprising:

digital video camera terminal (1) containing transmission packet buffer (142) attached via moving image transmission network (2) to a moving image storage server (3) which contains moving image data storage (33) as well as reception packet storage (34), which reads on the claimed, "connecting the data memory of the capturing device

to at least one recording device that has a greater storage capacity than the data memory of the capturing device," as disclosed at column 7, lines 18-24 and exhibited in figures 1-3; and,

divided packets being stored in the transmission packet buffer (142), being output by packet transmitter (143) through network (2), where the packet is then stored into reception packet buffer (322) and then read out in FIFO order to store into reception packet storage (34), which reads on the claimed, "exchanging data between the data memory of the capturing device and the at least one recording device, whereby a virtual data memory is formed for the capturing device by operational association between the data memory of the capturing device and the at least one recording device," as disclosed at column 7, lines 32-52 and exhibited in figures 1-3.

However, Shimizu fails to disclose at the capturing device, receiving a request from a user to access the exchanged data, wherein the request does not differentiate between data stored on the data memory of the capturing device and data stored on the virtual data memory; and responsive to the request, retrieving the exchanged data stored on the virtual data memory, the retrieving occurring at the capturing device. The examiner maintains it was obvious to include the missing limitations, as taught by Nagaya.

In a similar field of endeavor, Nagaya discloses an image recording/reproducing apparatus in a monitor system. Further, Nagaya discloses a user retrieving, searching, surveying or perusing monitored images via touch panel (130) which is part of recording/playback apparatus (100), which can further send recorded images to

personal computer (220) installed at a monitoring center, which reads on the claimed, "at the capturing device, receiving a request from a user to access the exchanged data," as disclosed at column 7, lines 2-16; column 8, line 63 through column 9, line 14; and exhibited in figures 1-2;

wherein the images are transferred to memory (170) from auxiliary data storage (160) by making use of the path name and then the monitored images are displayed on the display device (210), which reads on the claimed, "wherein the request does not differentiate between data stored on the data memory of the capturing device and data stored on the virtual data memory; and responsive to the request, retrieving the exchanged data stored on the virtual data memory, the retrieving occurring at the capturing device," as disclosed at column 9, lines 4-34 (wherein the request does not differentiate between where the data is stored because the request comprises types of monitored events and the characteristic qualities used to search image data, as disclosed at column 9 lines 1-3, and not the actual path name or storage location).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the method of Shimizu to include a user retrieving, searching, surveying or perusing monitored images via touch panel (130) which is part of recording/playback apparatus (100), which can further send recorded images to personal computer (220) installed at a monitoring center, wherein the images are transferred to memory (170) from auxiliary data storage (160) by making use of the path name and then the monitored images are displayed on the display device (210), as taught by Nagaya, for the purpose of significantly reducing the time taken for the user to survey or peruse recorded images.

Regarding **claim 38**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 37). Further, Shimizu discloses transmission packet buffer (142) and lost packet storage (16) being contained within digital video camera terminal (1), which reads on the claimed, "wherein the data memory of the capturing device is a local data memory," as disclosed at column 8, lines 7-11 and exhibited in figure 3.

Regarding **claim 39**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 38). Further, Shimizu discloses moving image data storage means (33) and reception packet storage (34) being contained within moving image storage server (3), which reads on the claimed, "wherein the at least one recording device forms a central data memory," as exhibited in figure 3.

Regarding **claim 40**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 39). Further, Shimizu discloses moving image transmission network (2) connecting digital video camera terminal (1) and moving image storage server (3), which reads on the claimed, "wherein the capturing device is interconnected with a digital communications network," as disclosed at column 7, lines 40-42 and exhibited in figure 3.

Regarding **claim 41**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 40). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 40 above.

Regarding **claim 42**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 41). Further, Shimizu discloses divided

packets being stored in the transmission packet buffer (142), being output by packet transmitter (143) through network (2), where the packet is then stored into reception packet buffer (322) and then read out in FIFO order to store into reception packet storage (34), which reads on the claimed, "wherein reading-out of data from the data memory of the capturing device for transmission to the at least one recording device is operationally dependent on input of new data into the data memory of the capturing device," as disclosed at column 7, lines 32-52 and exhibited in figures 1-3.

Regarding **claim 43**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 42). Further, Shimizu discloses transmission packet buffer (142) stores a plurality of packets, to transmit to packet transmitter (143) in FIFO order, which reads on the claimed, "wherein the new data input into the data memory of the capturing device are more current in time than the data read out from the data memory of the capturing device," as disclosed at column 7, lines 32-37.

Regarding **claim 44**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 42). Further, Shimizu discloses that at the same time of storing divided packets into transmission packet buffer (142), a copy of the transmitted packets are stored into a lost packet buffer (147), which reads on the claimed, "wherein the reading-out of data from the data memory of the capturing device for transmission includes copying of the data from the data memory of the capturing device," as disclosed at column 7, lines 32-37.

Regarding **claim 45**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 43). Further, Shimizu discloses in moving image storage server (3), the transmitted packet is received by packet receiver (321), stored into reception packet buffer (322), and then readout in FIFO order to store into reception packet storage (34), which reads on the claimed, "wherein the data transmitted from the data memory of the capturing device are received by the at least one recording device and stored," as disclosed at column 7, lines 48-52.

Regarding **claim 46**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 43). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 43 above.

Regarding **claim 47**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 46). Further, Shimizu discloses a function of recording images captured by network camera terminal (1) in real time into moving image storage server (3), which reads on the claimed, "wherein the new data are input into the data memory of the capturing device at a substantially the same rate as a rate of reading out the data from the data memory of the capturing device," as disclosed at column 8, lines 40-44.

Regarding **claim 48**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 47). Further, Shimizu discloses the digital moving image data created by a digital video camera are generated in real time and continuously, which reads on the claimed, "wherein the data are continually read out from the data memory of the capturing device," as disclosed at column 2, lines 1-3

(wherein if the data is read in continuously and the camera buffers operate on FIFO principles then the data must also be read out continuously).

Regarding **claim 64**, Shimizu discloses a network storage type video camera system. Further, Shimizu discloses digital video camera terminal (1), which reads on the claimed, "a data capturing device for at least one of video and audio data," as disclosed at column 7, lines 18-24 and exhibited in figure 3; the apparatus comprising:

lost packet storage (16), which reads on the claimed, "a data memory for storing at least one of video and audio data," as disclosed at column 8, lines 7-11 and exhibited in figure 3;

transmission protocol processor (14), which reads on the claimed, "a control device for the data memory," as exhibited in figure 3; and,

transmission and reception means (15) which is forward from packet transmitter (143) to moving image transmission network (2) and then received by transmission and reception means (31) on the side of moving image storage server (3), which reads on the claimed, "an interface unit for facilitating communication with at least one central recording device, wherein data are transmitted via the interface unit to the at least one central recording device," as disclosed at column 7, lines 38-47 and exhibited in figure 3; and,

divided packets being stored in the transmission packet buffer (142), being output by packet transmitter (143) through network (2), where the packet is then stored into reception packet buffer (322) and then read out in FIFO order to store into reception packet storage (34), which reads on the claimed, "wherein reading-out of data from the

data memory for transmission to the at least one central recording device is operationally dependent on input of new data into the data memory, and whereby a virtual data memory is formed for the capturing device by operational association between the data memory and the at least one central recording device," as disclosed at column 7, lines 32-52 and exhibited in figures 1-3.

However, Shimizu fails to disclose the interface unit being configured to retrieve the transmitted data from the at least one central recording device in response to a request from a user to access the transmitted data, wherein the request does not differentiate between data stored on the data memory and data stored on the at least one central recording device. The examiner maintains it was obvious to include the missing limitations, as taught by Nagaya.

In a similar field of endeavor, Nagaya discloses an image recording/reproducing apparatus in a monitor system. Further, Nagaya discloses a user retrieving, searching, surveying or perusing monitored images via touch panel (130) which is part of recording/playback apparatus (100), which can further send recorded images to personal computer (220) installed at a monitoring center, wherein the images are transferred to memory (170) from auxiliary data storage (160) by making use of the path name and then the monitored images are displayed on the display device (210), which reads on the claimed, "the interface unit being configured to retrieve the transmitted data from the at least one central recording device in response to a request from a user to access the transmitted data, wherein the request does not differentiate between data stored on the data memory and data stored on the at least one central recording

device," as disclosed at column 7, lines 2-16; column 8, line 63 through column 9, line 14; column 9, lines 4-34 (wherein the request does not differentiate between where the data is stored because the request comprises types of monitored events and the characteristic qualities used to search image data, as disclosed at column 9 lines 1-3, and not the actual path name or storage location); and exhibited in figures 1-2.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the method of Shimizu to include a user retrieving, searching, surveying or perusing monitored images via touch panel (130) which is part of recording/playback apparatus (100), which can further send recorded images to personal computer (220) installed at a monitoring center, wherein the images are transferred to memory (170) from auxiliary data storage (160) by making use of the path name and then the monitored images are displayed on the display device (210), as taught by Nagaya, for the purpose of significantly reducing the time taken for the user to survey or peruse recorded images.

Regarding **claim 65**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 64). Further, the examiner maintains the claim is merely the corresponding apparatus to the method of claim 44, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 44 above.

Regarding **claim 66**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 65). Further, the examiner maintains the claim is merely the corresponding apparatus to the method of claim 48, and

therefore the limitations of the claim are rejected in view of the explanation set forth in claim 48 above.

Regarding **claim 68**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 65). Further, the examiner maintains the claim is merely the corresponding apparatus to the method of claim 56, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 56 below.

Regarding **claim 69**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 68). Further, the examiner maintains the claim is merely the corresponding apparatus to the method of claim 57, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 57 below.

Regarding **claim 70**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 69). Further, Shimizu discloses digital video camera terminal (1) comprising image input portion (11) and voice input portion (12), Which reads on the claimed, "at least one of a camera for generating the video data and a microphone for generating the audio data," as exhibited in figure 3.

Regarding **claim 71**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 69). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 64 above.

Regarding **claim 72**, the limitations of the claim are rejected in view of the explanations set forth in claims 64, 68, and 69 above.

Claims 49, 51-63, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US Patent 7,386, 872), hereinafter referred to as Shimizu, in view of Nagaya et al (US Patent 6,741,977), hereinafter referred to as Nagaya, in view of Kirsten (US Patent 5,724,475), hereinafter referred to as Kirsten.

Regarding **claim 49**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 46). However, the combination of Shimizu and Nagaya fails to disclose wherein the data are read out from the data memory of the capturing device at specified time intervals. The examiner maintains that it was well known to include the missing limitation, as taught by Kirsten.

In a similar field of endeavor, Kirsten discloses compressed digital video reload and playback system. Further, Kirsten discloses a control algorithm which sends data to storage according to a recording fill target interval and a specified archive interval, which reads on the claimed, "wherein the data are read out from the data memory of the capturing device at specified time intervals," as disclosed at column 16, lines 5-23 and column 17, lines 38-49.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Shimizu and Nagaya to include a control algorithm which sends data to storage according to a recording fill target interval and a specified archive interval, as taught by Kirsten, for the purpose of filling the storage medium in groups of predictable time periods.

Regarding **claim 51**, the combination of Shimizu, Nagaya, and Kirsten discloses everything claimed as applied above (see claim 49). Further, the limitations of the claim

are rejected in view of the explanation set forth in claim 49 above (wherein "recording fill target interval" reads on the claimed, "specified threshold").

Regarding **claim 52**, the combination of Shimizu, Nagaya, and Kirsten discloses everything claimed as applied above (see claim 51). Further, Kirsten discloses a basic algorithm is set up simply by invoking the two parameters of fill target (equal to storage capacity) and the fill target interval to control the rate at which data is sent to storage, which reads on the claimed, "wherein the specified threshold is determined by the storage capacity of the data memory of the capturing device," as disclosed at column 17, lines 35-49 and exhibited in figure 19.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a basic algorithm is set up simply by invoking the two parameters of fill target (equal to storage capacity) and the fill target interval to control the rate at which data is sent to storage, as taught by Kirsten, for the purpose of avoiding buffer overflow in the capturing device.

Regarding **claim 53**, the combination of Shimizu, Nagaya, and Kirsten discloses everything claimed as applied above (see claim 52). Further, Shimizu discloses divided packets being stored in the transmission packet buffer (142), being output by packet transmitter (143) through network (2), where the packet is then stored into reception packet buffer (322) and then read out in FIFO order to store into reception packet storage (34), which reads on the claimed, "wherein storing of data in the data memory of the capturing device provides a buffer function for data transmission to the at least

one recording device," as disclosed at column 7, lines 32-52 and exhibited in figures 1-3.

Regarding **claim 54**, the combination of Shimizu, Nagaya, and Kirsten discloses everything claimed as applied above (see claim 53). Further, Shimizu discloses the packet output from packet transmitter (143) is forwarded to moving image transmission network (2) by transmission and reception means (15), and packet receiver (321) checks the packet sequence number, and when no discontinuity is detected in the packet sequence number, it transmits the last received sequence number to a reception notification processor (148) on the digital video camera terminal (1) side, which then can confirm from the received sequence number that the packets each having an older number than this received packet is correctly received on the moving image storage server (3) side and therefore these packets are deleted from lost packet buffer (147), which reads on the claimed, "wherein the data read out from the data memory of the capturing device and successfully transmitted to the at least one recording device are deleted from the data memory of the capturing device after the successful transmission," as disclosed at column 7, lines 35-63.

Regarding **claim 55**, the combination of Shimizu, Nagaya, and Kirsten discloses everything claimed as applied above (see claim 53). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 54 above.

Regarding **claim 56**, the combination of Shimizu, Nagaya, and Kirsten discloses everything claimed as applied above (see claim 55). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 54 above.

Regarding **claim 57**, the combination of Shimizu, Nagaya, and Kirsten discloses everything claimed as applied above (see claim 56). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 54 above.

Regarding **claim 58**, the combination of Shimizu, Nagaya, and Kirsten discloses everything claimed as applied above (see claim 54). Further, Kirsten discloses blocks of images recorded on a storage medium being placed on hold such that they will be preserved indefinitely, the designation according to factors such as date, time, and camera source, which reads on the claimed, "wherein the at least one recording device has a plurality of different storage areas that correspond to a plurality of different data recording time durations," as disclosed at column 15, lines 1-11.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include blocks of images recorded on a storage medium being placed on hold such that they will be preserved indefinitely, the designation according to factors such as date, time, and camera source, and for preserving a specific time window, as taught by Kirsten, for the purpose of making more efficient use of a central recording medium.

Regarding **claim 59**, the combination of Shimizu, Nagaya, and Kirsten discloses everything claimed as applied above (see claim 58). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 58 above.

Regarding **claim 60**, the combination of Shimizu, Nagaya, and Kirsten discloses everything claimed as applied above (see claim 58). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 58 above (wherein "camera

source" implies that there are multiple cameras, i.e. both a plurality of different capturing devices and a plurality of different capturing units).

Regarding **claim 61**, the combination of Shimizu, Nagaya, and Kirsten discloses everything claimed as applied above (see claim 58). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 59 above.

Regarding **claim 62**, the combination of Shimizu, Nagaya, and Kirsten discloses everything claimed as applied above (see claim 58). Further, Kirsten discloses a fixed-media system where older data are continually overwritten by new data, and the recording fill target interval, or time to fill the storage media once, is equal to the specified archive interval, which reads on the claimed, "wherein the data memory of the capturing device has a data storage capacity corresponding to a specified time duration of data accrual," as disclosed at column 16, lines 16-24.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to a fixed-media system where older data are continually overwritten by new data, and the recording fill target interval, or time to fill the storage media once, is equal to the specified archive interval, as taught by Kirsten, for the purpose of making more efficient use of a central recording medium.

Regarding **claim 63**, the combination of Shimizu, Nagaya, and Kirsten discloses everything claimed as applied above (see claim 62). Further, the limitations of the claim are rejected in view of the explanation set forth in claims 58 and 62 above.

Regarding **claim 67**, the combination of Shimizu and Nagaya discloses everything claimed as applied above (see claim 65). Further, the examiner maintains

the claim is merely the corresponding apparatus to the method of claim 49, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 49 above.

Claims 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US Patent 7,386, 872), hereinafter referred to as Shimizu, in view of Nagaya (US Patent 6,741,977), hereinafter referred to as Nagaya, in view of Kirsten (US Patent 5,724,475), hereinafter referred to as Kirsten, further in view of Simerly et al (US Patent 6,954,859), hereinafter referred to as Simerly.

Regarding **claim 50**, the combination of Shimizu, Nagaya, and Kirsten discloses everything claimed as applied above (see claim 49). However, the combination fails to disclose wherein the data are read out from the data memory of the capturing device at a rate higher than a rate of input of the new data into the data memory of the capturing device. The examiner maintains that it was well known to include the missing limitations, as taught by Simerly.

In a similar field of endeavor, Simerly discloses networked digital security system and methods. Further, Simerly discloses customer servers (40) and camera units (50) connected to centralized administrator web server (10), wherein the recording and archival features of the customers servers (40) can also be configured via the administrator web server, and in addition the rate at which video is transmitted from a customer server to a given customer work station is also configurable, which reads on the claimed, "wherein the data are read out from the data memory of the capturing

device at a rate higher rate than a rate of input of the new data into the data memory of the capturing device,” as disclosed at column 8, line 52 through column 9, line 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include customer servers (40) and camera units (50) connected to centralized administrator web server (10), wherein the recording and archival features of the customers servers (40) can also be configured via the administrator web server, and in addition the rate at which video is transmitted from a customer server to a given customer work station is also configurable, as taught by Simerly, for the purpose of preventing buffer overflow errors in the memory of the capturing device.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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